IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
MONDAY, THE FIFTH DAY OF JULY TWO THOUSAND AND FOUR
PRESENT
**THE HON'BLE MR JUSTICE BILAL NAZKI**
**and**
**THE HON'BLE MR JUSTICE P.S.NARAYANA**

**WRIT PETITION NO : 11037 of 2004**

Between:
M/s SRI VENKATESWARA NEW MODERN RICE MILL Plot NO.f-9, f-10 Industrial Estate MACHILIPATNAM, Krishna District, represented by its Vathumilli Govardhana Rao, S/o Venkata Laxshmi Narasimha rao aged 53 years

**..... PETITIONER**

AND
1 The Government of Andhra Pradesh Represented by its Principal Secretary,
Secretary to Government, Revenue Department , Secretariat Building , Saifabad, Hyderabad
2 The Commerical Tax Officer MCHILIPATNAM, Krishna District.
3 The Deputy Commercial Tax Officer (Town) MACHILIPATNAM, Krishna District
4 The Manager, District Co-Operative Office, MACHILIPATNAM Krishna District

**.....RESPONDENT(S)**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction particularly in the nature of Writ of Mandamus declaring the action of the respondents 2 and 3 in issuing from -IV Demand Notice on 16/05/2004 under the provisions of Revenue Recovery Act, 1864 without disposing of the representations submitted by the petitioner on 20.03.2004 followed by another representation on 18.6.2004 seeking implementation of the Orders of the Government in G.O.Ms.No.950,951 and 952 dt. 10/09/2003 and without recasting or refixing the taxable turnovers and determining the liability to tax thereon for assessment years 1999-2000 to 2002-2003 by implementing the orders as illegal, arbitrary and unfair, improper and opposed to the principles of natural justice and consequently direct the second respondent herein to consider and dispose of the representations of the petitioner by appropriate proceedings determining the modified turnover liable to tax after considering or implementing the Govt Orders, mentioned supra and not to initiate coercive steps for recovery of any arrears pending disposal of the writ petition and grant such other relief or relieves as are deemed fit and proper in the circumstances of the case.

**For the Petitioner:MR.M.V.J.K.KUMAR, Advocate.**

**For the Respondents : GP FOR COMMERCIAL TAXES**

**The Court Made the Following :**

ORDER : (Per Sri Bilal Nazki, J).

Heard learned Counsel for the parties.

During the course of hearing, it came to our notice that a representation of the petitioner is pending with the respondents. Since the representation is pending, we deem it appropriate not to entertain this Writ Petition at this stage and direct the authorities concerned to dispose of the representation after hearing the petitioner as early as possible. Till the representation is decided, coercive steps may not be taken against the petitioner.

Writ Petition is accordingly disposed of. No costs.

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(BILAL NAZKI, J)

5th July, 2004.

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(P.S.NARAYANA,J)

ajr.

To

1 The Principal Secretary to Government of A.P, Revenue Department , Secretariat Building , Saifabad, Hyderabad
2 The Commerical Tax Officer, MCHILIPATNAM, Krishna District.
3 The Deputy Commercial Tax Officer (Town), MACHILIPATNAM, Krishna District
4 The Manager, District Co-Operative Office, MACHILIPATNAM Krishna District
5 Two copies to the Government Pleader for Commercial Taxes, High Court buildings, Hyderabad (O.U.T).
6 Two C.D. copies.